



## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** JORDAN FELD, AICP, SENIOR PLANNER  
(480) 503-6748, JORDAN.FELD@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** OCTOBER 1, 2014

**SUBJECT:** UP14-09 BRAKES PLUS: A CONDITIONAL USE PERMIT FOR APPROXIMATELY 0.87 ACRES OF REAL PROPERTY LOCATED NORTH OF THE NORTHWEST CORNER OF HIGLEY ROAD AND CHANDLER HEIGHTS ROAD TO ALLOW VEHICLE SERVICES, LIGHT IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

**STRATEGIC INITIATIVE:** Community Livability

This strategic initiative provides direction to include livability considerations in all decision-making and service delivery; the subject request implements the initiative in that it maintains safe, pedestrian-scale connectivity and design cohesion within an existing retail center while providing auto-oriented services to the surrounding area.

### **RECOMMENDED MOTION**

Make the Findings of Fact and Approve UP14-09 Brakes Plus: A request for a Conditional Use Permit for approximately 0.87 acres of real property located north of the northwest corner of Higley Road and Chandler Heights Road to allow Vehicle Services, Light in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) Overlay, subject to the conditions in the staff report.

## **APPLICANT/OWNER**

Company: Kimley-Horn  
Name: Sterling Margetts  
Address: 1855 W Baseline Rd #200  
Mesa, AZ 85202  
Phone: 602-944-7423  
Email: sterling.margetts@kimley-horn.com

Company: LDR Higley&ChandlerLLC  
Name: Gary Davidson  
Address: 1110 E Missouri #700  
Phoenix, AZ 85014  
Phone: 602-263-7626  
Email: info@dmaphx.com

## **BACKGROUND/DISCUSSION**

### **History**

Date	Action
<i>July 24, 2001</i>	Town Council approved Ord. No. 1356 (A00-4) annexing approximately 500 acres, including the subject site.
<i>July 24, 2001</i>	Town Council approved Ord. No. 1357 (Z00-25) rezoning approximately 19 acres from Maricopa County Rural-43 to Town of Gilbert C-1 (Neighborhood Commercial) with PAD overlay.
<i>September 11, 2014</i>	Design Review Board continued DR14-26, a request for design review for the subject development, to their October 9, 2014 meeting.

### **Overview**

Chandler Heights Village is a nearly built-out 15-acre retail center located at the northwest corner of Chandler Heights Road and Higley Road. The subject site, Lot 5A-3, is approximately 0.87 acres and located internally to the larger retail center. The site has direct vehicular access from Higley Road. The site is surrounded by existing retail development. This request is for Conditional Use Permit approval to allow for Vehicle Services, Light (Brakes Plus) in the Neighborhood Commercial (NC) zoning district, as required by LDC Article 2.303, Commercial District Land Use Regulations. Concurrently with this request, the applicant has submitted for design review; the Design Review Board held a public hearing on September 11, 2014 on the request and after discussion, continued the item one month to allow the applicant to make recommended architectural changes to the proposed elevations.

### **Surrounding Land Use & Zoning Designations**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>
North	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)
South	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)
East	Shopping Center (SC)	Shopping Center (SC)
West	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)
Site	Neighborhood Commercial (NC)	Neighborhood Commercial (NC) with PAD overlay

### Project Data Table

Gross Site Acreage	0.87 acres
Zoning	Neighborhood Commercial (NC) with PAD overlay
Building Setback Front (min.)	20' (100' proposed)
Building Height (max.)	25' (22' proposed)
Landscaping Coverage (min.)	15% (17% proposed)

### Site Plan

The site plan shows a 4,815 sf building centrally located to the lot. The eight service bays are oriented to the south while the office/sales area is oriented to the east, facing Higley Road. Parking spaces are allocated along the front and rear of the building while a drive-aisle connecting the service bays and trash enclosure is located to the south of the building. A common drive-aisle north of the building will be constructed with development that will serve both the subject site and surrounding retail uses. The drive-thru aisle of the retail use immediately north of the site will merge with the common drive-aisle proposed, requiring specific signage and striping treatment. The site plan shows an accessible route connecting the proposed building to development to the south; staff has requested this route be designed at a perpendicular to the curbs of the proposed and existing developments, currently the route is angled relative to these curbs.

### FINDINGS

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

***1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.***

The proposed use is located within an existing retail center and set back a considerable distance from the nearest residential use. The proposed circulation of the site has been reviewed by the Town Traffic Engineer and determined acceptable.

***2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.***

In relation to this request, the General Plan Land Use Element (**Goal 5** *Promote commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals*; **Policy 5.3** *Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets*) emphasizes the importance of supporting community serving retail opportunities while ensuring neighborhood integration and compatibility. Light Vehicle Services is an appropriate use within a neighborhood-level commercial site; the Conditional Use Permit requirement for this use is in place to ensure neighborhood compatibility. This site is capable of supporting the proposed use without negative impact to surrounding property.

**3. *The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.***

The proposed use conforms to the Neighborhood Commercial (NC) zoning district, subject to this Conditional Use Permit request. The site plan meets LDC requirements for residential use compatibility, parking and landscaping provisions, storm water management, and the building code.

**4. *The proposed use would not unreasonably interfere with the use and enjoyment of nearby properties.***

The site is surrounded by like-uses that are generally automobile-oriented (a gas station, a fast-food restaurant and another light vehicle service use) and complemented by the proposed use. Circulation for the proposed use will be coordinated with adjacent circulation needs and existing conditions. The site is approximately 400' from the nearest residential use.

Pursuant to the above analysis, Staff is of the opinion that the project meets the four findings required for granting the Conditional Use Permit.

**PUBLIC NOTIFICATION AND INPUT**

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town. Staff has not received any comments on the case.

**PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

**STAFF RECOMMENDATION**

Move to make the Findings of Fact and Approve UP14-09 Brakes Plus: A request for a Conditional Use Permit for approximately 0.87 acres of real property located north of the northwest corner of Higley Road and Chandler Heights Road to allow Vehicle Services, Light in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) Overlay, subject to the following conditions:

1. The Brakes Plus shall be in substantial conformance with the Site Plan shown in Attachment 4 as approved by the Planning Commission on October 1, 2014.

Respectfully submitted,



Jordan Feld, AICP  
Senior Planner

**Attachments:**

1. Findings of Fact
2. Notice of Public Hearing
3. Aerial Photo
4. Site Plan

## **FINDINGS OF FACT**

UP14-09 Brakes Plus located north of the northwest corner of Higley Road and Chandler Heights Road in the Neighborhood Commercial (NC) zoning district with a Planned Area Development (PAD) Overlay.

Staff provides the following findings of facts, subject to the conditions of approval provided below, to substantiate approval of the project:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

## Notice of Public Hearing

**PLANNING COMMISSION DATE:**

**Wednesday, October 1, 2014\* TIME: 6:00 PM**

**LOCATION: Gilbert Municipal Center, Council Chambers**

**50 E. Civic Center Drive**

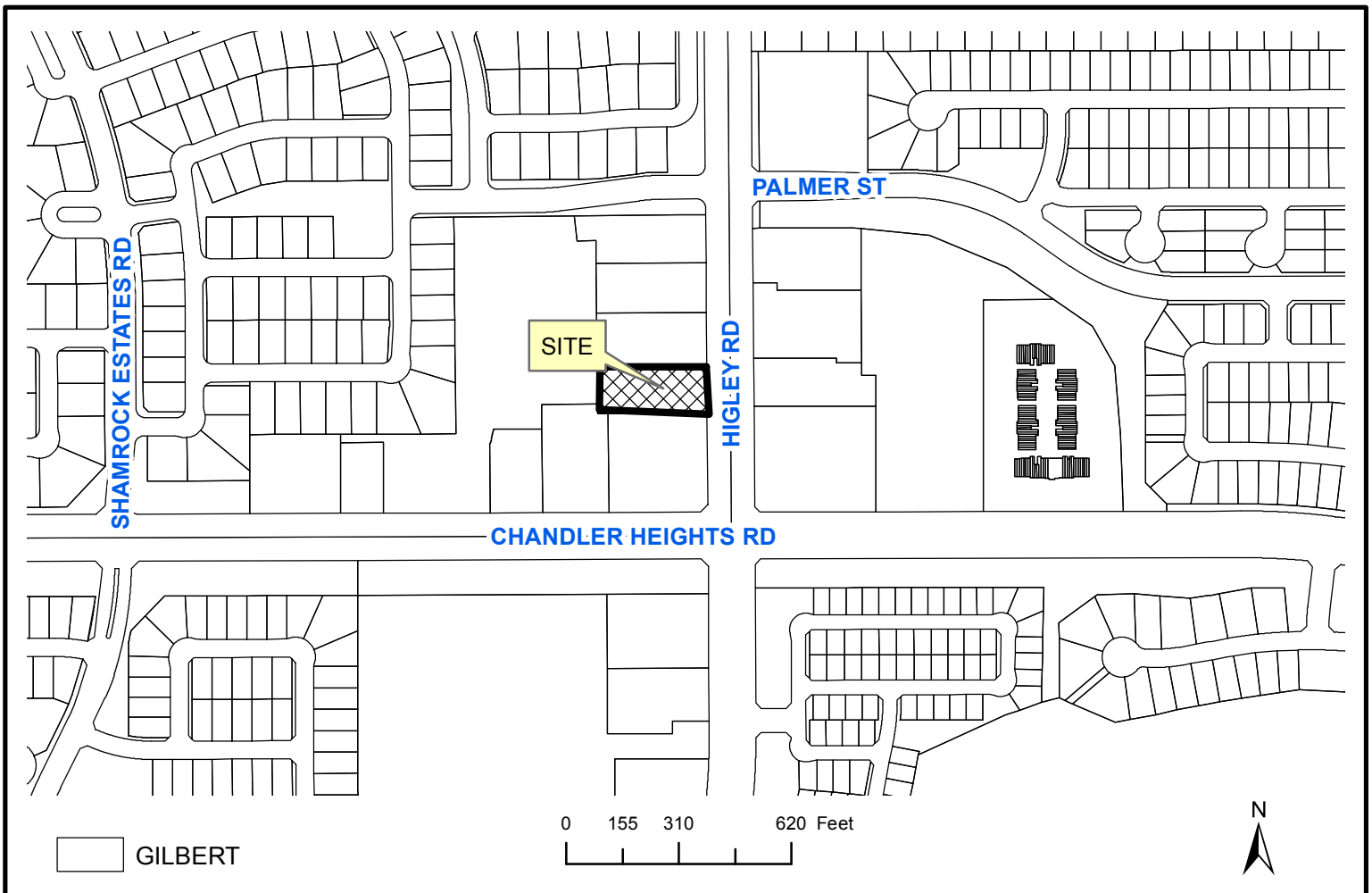
**\* Call Planning Department to verify date and time: (480) 503-6700**

### **REQUESTED ACTION:**

UP14-09: Request to approve a Conditional Use Permit for approximately 0.87 acres of real property located north of the northwest corner of Higley Road and Chandler Heights Road to allow Vehicle Services, Light in the Neighborhood Commercial (NC) zoning district.

\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

### **SITE LOCATION:**



**APPLICANT: Kimley-Horn and Associates, Inc.**  
**CONTACT: Sterling Margetts**  
**ADDRESS: 1855 W. Baseline Road, Suite 200**  
**Mesa, AZ 85202**

**TELEPHONE: (480) 207-2666**  
**E-MAIL: [sterling.margetts@kimley-horn.com](mailto:sterling.margetts@kimley-horn.com)**

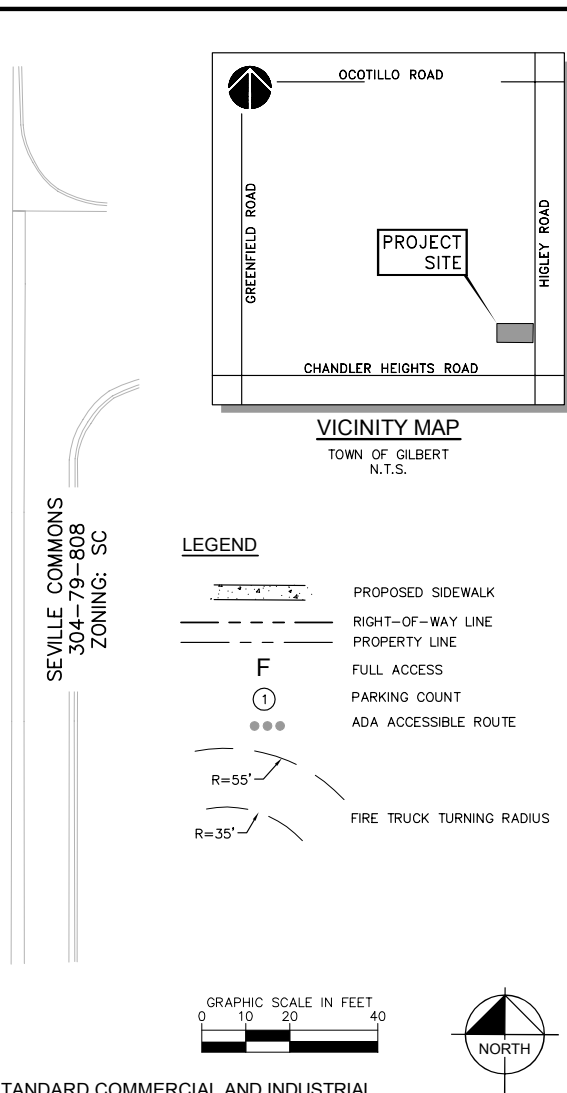




UP14-09  
Attachment 3: Aerial Photo  
October 1, 2014



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10. ALL BACKFLOW PREVENTION DEVICES 2' OR LARGER SHALL BE SCREENED WITH LANDSCAPE LOCATED WITHIN A 6' RADIUS OF THE DEVICE. ALL BACKFLOW PREVENTERS LESS THAN 2' SHALL BE PLACED IN A WIRE CAGE PAINTED TO MATCH THE PRIMARY BUILDING COLOR.
11. ALL FREESTANDING LIGHT POLES SHALL:
  - A. BE LOCATED WITHIN LANDSCAPED AREAS OR PLANTER ISLANDS.
  - B. HAVE CONCRETE BASES PAINTED TO MATCH THE PRIMARY BUILDING COLOR OR FINISHED TO MATCH PARKING SCREEN WALLS. CONCRETE BASES FOR LIGHT POLES SHALL NOT EXCEED A HEIGHT OF 30' FROM ADJACENT GRADE.
  - C. BE LOCATED TO AVOID CONFLICT WITH TREES.
12. SITE LIGHTING SHALL COMPLY WITH THE LIGHT AND GLARE CRITERIA SET FORTH IN SECTION 11.22.A OF THE ULDC, INCLUDING A MAXIMUM FREESTANDING LIGHT FIXTURE HEIGHT OF 25'. THE MAXIMUM HEIGHT OF A BUILDING MOUNTED LIGHT FIXTURE IS 14'. THE MAXIMUM HEIGHT OF A FREESTANDING LIGHT FIXTURE LOCATED WITHIN 100' OF A RESIDENTIAL ZONING DISTRICT OR PROPERTY DESIGNATED FOR RESIDENTIAL DEVELOPMENT IN THE GENERAL PLAN IS 14'.
13. LANDSCAPED AREAS ADJACENT TO PUBLIC RIGHT-OF-WAY SHALL BE MOUNDED AND NATURALLY CONTOURED TO MORE THAN 50% OF THE REQUIRED (RIGHT-OF-WAY AND LANDSCAPING PRACTICES) LANDSCAPING FRONTING ADJACENT STRAIGHTS MAY BE USED FOR RETENTION. RETENTION AREA SIDE SLOPES SHALL BE VARIED, AND NO SLOPE SHALL EXCEED A 4:1 MAXIMUM.
14. COMMERCIAL BUILDING DOWNSPOUTS SHALL BE INTERNALIZED, INDUSTRIAL BUILDINGS MAY USE EXPOSED DOWNSPOUTS IF ARTICULATED WITH THE ARCHITECTURE OF THE BUILDING AND BUILT WITH A DURABLE MATERIAL SUCH AS STEEL.
15. COMMERCIAL DEVELOPMENT VEHICULAR ACCESS POINTS AND PEDESTRIAN ACCESSWAYS SHALL INCLUDE SPECIAL PAVING TREATMENT SUCH AS INTEGRAL COLORED STAMPED CONCRETE, BOAMANITE, OR SIMILAR ALTERNATIVE. LOCATION AND MATERIAL SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
16. CUSTOMER, EMPLOYEE AND VISITOR PARKING SHALL BE SCREENED FROM STREET VIEW BY LOW MASONRY WALLS. NO PARKING SCREEN WALLS SHALL BE FINISHED ON BOTH SIDES OF THE DRIVEWAY. WALL MATERIALS AND COLORS, AND A DESIGN TO COMPLEMENT THAT OF THE MAIN BUILDING.
17. ALL EXTERIOR METAL SHALL BE FINISHED OR PAINTED TO MATCH THE APPROVED PROJECT COLORS.
18. EXISTING ON-SITE PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH COMPARABLE SPECIES AND SIZE.

